



**PLANNING COMMISSION AGENDA  
REGULAR MEETING  
MONDAY, APRIL 16, 2018  
STUDY SESSION – 4:30 P.M. – CITY COUNCIL CHAMBERS  
REGULAR MEETING – 5:00 P.M. – CITY COUNCIL CHAMBERS**

1. Call to Order.
2. Roll Call.
3. Dispense with the reading and approve the minutes of the March 19, 2018 Regular Meeting as prepared.
4. Dispense with the reading and approve the minutes of the March 26, 2018 Special Meeting as prepared.
5. Consider a petition for voluntary annexation by Charles H. Diers, LLC and Deer Pointe Corporation, owners of approximately 4.24 acres, described as of a tract of land described as a part of a parcel of land in the NW1/4 NE1/4 of Section 18, Township 17 North, Range 9 East of the 6<sup>th</sup> P.M. Dodge County, Nebraska,
  - Staff Report
  - Public Hearing
  - Commission discussion and recommendation
6. Adjournment.

**THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT [WWW.FREMONTNE.GOV](http://WWW.FREMONTNE.GOV) IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.**

## PLANNING COMMISSION MINUTES

March 19, 2018

4:30 p.m. Study Session

5:00 o'clock pm. Regular Meeting

After the study session, Chairman Dev Sookram called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Chairman Sookram, Commissioners Barton, Nielsen, Bowen, Carlson, Gifford, Borisow, Sawyer present, Commissioner Horeheis absent. Eight Commissioners present – a quorum was established.

Chairman Sookram read the item, dispense with reading and approve the minutes of the January 15, 2019 Regular Meeting as prepared into the record.

It was moved by Commissioner Borisow and seconded by Commissioner Barton to approve the minutes of the January 15, 2019 Regular Meeting as prepared. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: dispense with the reading and approve the minutes of the January 29, 2018 Special Meeting as prepared into the record.

It was moved by Commissioner Borisow and seconded by Commissioner Barton to approve the minutes of the January 29, 2019 Regular Meeting as prepared. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: dispense with the reading and approve the minutes of the February 19, 2018 Regular Meeting as prepared into the record.

It was moved by Commissioner Nielsen and seconded by Commissioner Carlson to approve the minutes of the February 19, 2019 Regular Meeting as prepared. A roll call vote showed all Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Consider a request of Thomas L. Stamper and Teresa L. Stamper, owners of 2740 N. Yager, consisting of approximately 6.15 acres described as a tract of land located in lot 1, D. Schroeder's subdivision located in the northwest quarter of the southwest quarter of section 12, township 17 north, range 8 east of the 6<sup>th</sup> P.M., Dodge County, Nebraska, for approval of a zoning change from BP Business Park to GC General Commercial into the record.

Building Official, Don Simon read Staff's Report.

Chairman Sookram opened the public hearing.

Hearing none, Sookram then proceeded to close the floor to public hearing and opened the floor to Commission discussion and action.

It was moved by Commissioner Sawyer and seconded by Commissioner Bowen to recommend approval of the zoning change from BP Business Park to GC General Commercial. A roll call vote showed all 8 Commissioners present voting aye – motion carried unanimously

Chairman Sookram read the item: consider a request of Olsson Associates on behalf of Cosentino Holdings, LLC, owner of approximately 115.8 acres located at 4551 E. 23<sup>rd</sup> St. for approval of an Amendment to the Zoning Change from GC General Commercial and R-3/TND Mixed-Density Residential with a Traditional Neighborhood Development overlay to PD Planned Development into the record.

Building Official, Don Simon read Staff's Report and stated it was 117.93 acres.

Chairman Sookram opened the public hearing.

Brad Marshal from Olsson Associates stated that they changed some of the commercial to residential, taking away some of the big box, as there is an urgent need for residential. We are shrinking the originally proposed 46.5 acres for General Commercial down to 16.9 acres. In the Northeast corner, there are now 14 townhomes.

Hearing no other comments, Sookram then proceeded to close the floor to public hearing and opened the floor to Commission discussion and action.

It was moved by Commissioner Bowen and seconded by Commissioner Gifford to recommend approval of the changes to the PD Planned Development. A roll call vote showed all 8 Commissioners present voting aye – motion carried unanimously

The Planning Commission inquired about the difference in acres. Brad Marshal from Olsson Associates advised that the difference is the acres of DOT. No action was required as this was just a question.

Chairman Sookram read the item: Consider a request of Olsson & Associates, on behalf of Cosentino Holdings, LLC, Gallery 23, owners of approximately 117.93 acres located at 4551 East 23<sup>rd</sup> Street, Fremont, Dodge County, for approval of a Final Plat for property to hereinafter be known as Gallery 23 East Addition into the record.

Building Official, Don Simon read Staff's Report.

Chairman Sookram opened the public hearing.

Hearing no other comments, Sookram then proceeded to close the floor to public hearing and opened the floor to Commission discussion and action.

Chairman Sookram asked staff if this would cover for any mistakes in the acres.

City Administrator Brian Newton stated this is a final plat.

Director of Public Works, Dave Goedeken, P.E. stated that Arrow Way needs a turn around. He further stated that there were Streets with no names, and he had previously e-mailed questions that were not addressed. He also inquired who owns the Out lots?

Brad Marshal from Olsson Associates stated that the DOT is working on accesses with Olsson Associates. Hopefully soon. There are townhomes in the Northeast corner with no turn around, but they can make changes.

Director of Public Works, Dave Goedeken, P.E. stated that emergency vehicles, snow plows, etc. needed a way to turn around.

Brad Marshal from Olsson Associates inquired if that were still true for private streets.

Director of Public Works, Dave Goedeken, P.E. stated yes, that emergency vehicles needed a way to turn around. He then inquired who will own all the out lots and end lots.

Brad Marshal from Olsson Associates stated that the SID then the City will own the outlets. That the Homeowners Association will take over the hammerhead and culdesak. They may get rid of 2 end lots.

Building Official, Don Simon asked if we can continue.

Director of Public Works, Dave Goedeken, P.E. stated yes, or we can put conditions on the subdivision agreement.

Building Official, Don Simon asked the Planning Commission if they wanted contingencies or to continue the matter.

Brad Marshal from Olsson Associates agreed to contingencies, and stated that if the DOT does not approve, they must come back to the Planning Commission and Council.

Commissioner Barton stated it could go to Council if they meet the contingencies of DOT, fire apparatus, outlets or turn arounds.

Brad Marshal from Olsson Associates stated that the parcels go to the Homeowners Association.

It was moved by Commissioner Borisow and seconded by Commissioner Barton to recommend approval of the Final Plat for property to hereinafter be known as Gallery 23 East Addition with the conditions by Staff including but not limited to firelanes, written clarification of outlots, and DOT access being granted. A roll call vote showed all 8 Commissioners present voting aye – motion carried unanimously

It was stated by Chairman Sookram that item 9 on the Agenda had been continued until the March 26, 2018 Special Planning Commission Meeting.

Chairman Sookram read the item; Consider a request of Dodd Engineering & Surveying, LLC, on behalf of Deer Pointe Corporation & Charles H. Diers, LLC, owners of approximately 3.0 acres described as a 3.0 acre parcel of land located in the NW ¼ NE ¼ of Section 18, Township 17 North, Range 9 East of the 6<sup>th</sup> P.M., Dodge County, Nebraska, more generally located at Elk Lane, Fremont, Nebraska, for approval of a Zoning Change from R Rural to GC General Commercial into the record.

Building Official, Don Simon read Staff's Report and stated that the State had already granted the access point.

Chairman Sookram opened the public hearing.

Steve Dodd of Dodd Engineering and Maggie Diers both stated that the State had already granted the access point, and they would provide a letter from the State.

Hearing no further discussion, Sookram then proceeded to close the floor to public hearing and opened the floor to Commission discussion and action.

It was moved by Commissioner Gifford and seconded by Commissioner Sawyer to recommend approval of the zoning change from R Rural to GC General Commercial. A roll call vote showed all 8 Commissioners present voting aye – motion carried unanimously

Chairman Sookram then read the item; Consider a request of Dodd Engineering & Surveying, LLC, on behalf of Deer Pointe Corporation & Charles H. Diers, LLC, owners of approximately 3.0 acres described as NW ¼ NE ¼ of Section 18, Township 17 North, Range 9 East of the 6<sup>th</sup> P.M., Dodge County, Nebraska, and more generally located at Elk Lane, Fremont, Nebraska, for approval of a Final Plat for property to hereinafter be known as Diers Sixth Addition into the record.

Building Official, Don Simon read Staff's Report.

Chairman Sookram opened the public hearing.

Hearing none, Sookram then proceeded to close the floor to public hearing and opened the floor to Commission discussion and action.

It was moved by Commissioner Gifford and seconded by Commissioner Neilsen to recommend approval of a Final Plat for property hereinafter to be known as Diers Sixth Addition as long as the previous zoning goes through. A roll call vote showed all 8 Commissioners present voting aye – motion carried unanimously

It was stated by Chairman Sookram that item Number 12 has been continued until the March 26, 2018 Special Planning Commission Meeting.

Chairman Sookram then read the following item; Review and consider amendments to Chapter 11 of the Fremont Municipal Code pertaining to zoning and subdivision regulations, hereinafter referred to as the City's Unified Development Ordinance into the record.

Building Official Don Simon then stated that the Planning Commission wanted to continue (i) on page 140, frontage requirements in Article 6, Section 11-603, Table 11-603.01.01, because there were changes that need to be discussed, as it is from the property line instead of the set back, and that the UDC does not have set back, so we need to change the definitions, and LI frontage requirements.

Building Official Don Simon then spoke regarding (ii) non-substantial additions in floodplain, Article 4, Section 44-405, Subsection 11-405.02, pages 69 – 82 and the definitions. He stated that the definition was the same as the State, and that we changed from 10 years to 1 year time.

Director of Public Works, Dave Goedeken, P.E. then spoke regarding (iii) Street Widths Article 11, Subsection 11-703.02, pages 180-181, changing them to 50 feet.

Building Official Don Simon then spoke regarding (iv) Land use tables in Article 11, Section 11-502, Subsection 11-502.01, page 91, to SR – AR – UR changes.

Building Official Don Simon then spoke regarding (v) Lot & width standards for individual homes, Article 11, Subsection 11-602.02, pages 134-135, changes to lot sizes.

Building Official Don Simon then spoke regarding (vi) inserting page numbers, and trying to keep the page numbers for those who print the UDC.

Building Official Don Simon then stated that the City is keeping a list of issues, and every month or two we want to bring changes to the Planning Commission for review. .

Chairman Sookram opened the public hearing.

Steve Dodd of Dodd Engineering requested the item (i) regarding frontage be continued.

Sandra Cadwalker questioned why the Planning Commission issues permits before changes are done.

Hearing no other comments, Sookram then proceeded to close the floor to public hearing and opened the floor to Commission discussion and action.

It was moved by Commissioner Barton and seconded by Commissioner Borisow to recommend continue item (i) and approve items (ii) through (vi) amending Chapter 11 of the Fremont Municipal Code pertaining to zoning and subdivision regulations, herein after referred to as the City's Unified Development Ordinance. A roll call vote showed all 8 Commissioners present voting aye – motion carried unanimously

It was stated by Chairman Sookram that item number 14 had been withdrawn by the Applicant.

Hearing no other business, Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Nielsen and seconded by Commissioner Sawyer to adjourn the meeting. A roll call vote showed all 8 Commissioners present voting aye – motion carried unanimously. Meeting was adjourned at approximately 5:53 p.m.

APPROVED

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Dev Sookram, Chairman

ATTEST

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Building Official or Legal Secretary

## PLANNING COMMISSION MINUTES

March 26, 2018

4:30 p.m. Study Session

5:00 o'clock pm. Special Meeting

After the study session, Chairman Dev Sookram called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Chairman Sookram, Commissioners Barton, Bowen, Carlson, Gifford, Borisow, Sawyer present, Commissioners Horeheis and Nielsen absent. Seven Commissioners present – a quorum was established.

Chairman Sookram read the item: Consider a request of Dodd Engineering on behalf of Borisow Properties, LLC, owners of approximately 11.06 acres described as Lots 1 and 2, Lincoln Park First Subdivision, Fremont, Dodge County, Nebraska, and more generally located at 2581 N. Lincoln Avenue for approval of a Final Plat to be known as the Replat of Lot 2 into 8 separate Lots and take the corner out of Lot 1, and add to proposed Lot 4, for property hereinafter to be known as Lincoln Park Second Subdivision.

Commissioner Jarod Borisow excused himself and left the meeting at approximately 5:02 p.m.

Building Official, Don Simon read Staff's Report.

Sookram then proceeded to open the floor to Commission discussion and action.

It was moved by Commissioner Sawyer and seconded by Commissioner Gifford to recommend approval of a Final Plat for property hereinafter to be known as Lincoln Park Second Subdivision as long as the changes to the UDC, specifically Lot & width standards for individual homes, Article 6, Subsection 11-602.02 are made and allowed. A roll call vote showed all 6 Commissioners present voting aye – motion carried unanimously

At approximately 5:06 p.m. Commissioner Borisow came back to the Council Chambers.

Chairman Sookram read the item: Consider a request of Danny Martinez on behalf of YMCA, owners of approximately 133.77 acres described as part of the North ½ of Section 17, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M., Dodge County, Nebraska for a Final Plat known to be as YMCA Camp Subdivision.

Building Official, Don Simon read Staff's Report.

Sookram then proceeded to open the floor to Commission discussion and action.

It was moved by Commissioner Barton and seconded by Commissioner Carlson to recommend approval of a Final Plat for property hereinafter to be known as YMCA Camp Subdivision A roll call vote showed all 7 Commissioners present voting aye – motion carried unanimously

Hearing no other business, Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Gifford and seconded by Commissioner Bowen to adjourn the meeting. Meeting was adjourned at approximately 5:09 p.m.

APPROVED

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Dev Sookram, Chairman

ATTEST

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Building Official or Legal Secretary

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# Staff Report

**TO:** Planning Commission  
**FROM:** Don Simon, Building Official  
**DATE:** April 16, 2018  
**SUBJECT:** Voluntary Annexation Petition – Diers Sixth Addition, Dodge County

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**Recommendation:** 1) open the public hearing, 2) receive testimony, 3) close the public hearing, and 4) move to recommend approval.

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**Background:** A Voluntary Annexation Petition has been received by Charles H. Diers on behalf of Charles H. Diers, LLC and Deer Pointe Corporation, requesting annexation of approximately 4.24 acres into the corporate limits.

According to Nebraska Revised Statutes § 19-929, “The municipal governing body shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the planning commission if such commission in fact has been created and is existent.”

Annexation of the subject property is consistent with the policies of the Comprehensive Plan (“Plan”) and the priorities for accommodating new development – specifically, annexing land that is immediately abutting the corporate limits and contiguous to existing infrastructure thereby allowing efficient and ready extension of streets, utilities, and police and fire protection services, and annexing land that is presently removed from the corporate limits but for which there are strategic benefits for economic development purposes.

## PETITION

**TO**, the City Council of the City of Fremont, Nebraska ("City")

**COMES NOW**, CHARLES H. DIERS, L.L.C. AND DEER POINTE CORPORATION, owner of the following described real estate ("Petitioner"), to wit:

*(see metes and bounds description and exhibits attached hereto and incorporated herein for all purposes)*

and respectfully requests that the above described property be annexed into the City, and would respectfully show as follows:

1. That the above described property is within the extraterritorial jurisdiction of the City, and is adjacent to the present corporate limits of the City; and
2. That in order to protect the inhabitants of such property and to promote the orderly development of such property, such property should be annexed into the City, and by the execution hereof, the undersigned petitions the City Council to annex such property into the corporate limits of the City.

**WHEREFORE, PREMISES CONSIDERED**, Petitioner requests these bodies to take the appropriate steps to annex this property.



(Signature)



(Date)

LEGAL DESCRIPTION OF ANNEXATION:

A PARCEL OF LAND IN THE NW1/4 NE1/4 OF SECTION 18, TOWNSHIP 17 NORTH, RANGE 9 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 1, DIERS SECOND ADDITION AND ASSUMING THE WEST LINE OF THE NE1/4 OF SAID SECTION 18 TO BEAR S00°06'37"W;  
THENCE N89°43'35"E ALONG THE SOUTH MARGIN OF EAST 23RD STREET A DISTANCE OF 175.44 FEET;  
THENCE S00°10'34"E ALONG SAID SOUTH MARGIN A DISTANCE OF 1.11 FEET;  
THENCE S86°44'33"E ALONG SAID SOUTH MARGIN A DISTANCE OF 378.05 FEET;  
THENCE S00°06'37"W A DISTANCE OF 335.44 FEET;  
THENCE ALONG A 1532.50 FOOT RADIUS CURVE TO THE RIGHT AN ARC LENGTH OF 68.29 FEET, THROUGH A CENTRAL ANGLE OF 02°33'11", HAVING A CHORD BEARING N87°11'07"W AND A CHORD LENGTH OF 68.28 FEET;  
THENCE N85°54'32"W A DISTANCE OF 260.16 FEET;  
THENCE ALONG A 1467.50 FOOT RADIUS CURVE TO THE LEFT AN ARC LENGTH OF 220.16 FEET, THROUGH A CENTRAL ANGLE OF 08°35'45", HAVING A CHORD BEARING S89°47'36"W AND A CHORD LENGTH OF 219.96 FEET;  
THENCE S85°29'43"W A DISTANCE OF 5.25 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 4, DIERS SECOND ADDITION;  
THENCE N00°06'37"E A DISTANCE OF 65.21 FEET TO THE SOUTHEAST CORNER OF LOT 2, BLOCK 1, DIERS SECOND ADDITION;  
THENCE N00°06'37"E ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 271.27 FEET TO THE POINT OF BEGINNING;  
CONTAINING 4.24 ACRES, MORE OR LESS.